

40002-0007

09/613,616

REMARKS

This is a full and timely response to the non-final Official Action mailed **January 25, 2006**. Reconsideration of the application in light of the following remarks is respectfully requested.

Claim Status:

By the present amendment, various claims are amended and new claims 38-41 have been added.

Restriction:

Following two previous Office Actions on the merits of the claims, the Action of January 25, 2006 imposes a Restriction Requirement of the application. The Office now alleges that the present application contains claims drawn to three independent and patentably distinct inventions. The claims are grouped as follows:

Claim Group 1: Claims 1, 8, 9, 12, 13, 15-20;

Claim Group 2: Claims 23, 4-7, 36, 37; and

Claim Group 3: Claims 24 and 26-35.

In response, Applicant elects Claim Group 3, claims 24 and 26-35 for immediate examination. Newly added claims 38-41 are directed to the subject matter of the elected Claim Group. Accordingly, claims 24, 26-35, 38-41 are presented for immediate examination. All other claims are marked as "withdrawn" herein.

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This election is with traverse. According to the MPEP § 803, if the search and examination of claims in an application can be made without serious burden, the examiner must examine those claims on the merits, even though they include claims to independent or distinct inventions. In this case, the claims being restricted have already been searched and examined *twice*. Consequently, it cannot reasonably be said that there is a *serious* burden to search and examine these claims. It's already been done, *twice*.

§ 808.02 requires the examiner to explain why a serious burden will be imposed in the Restriction is not made. The present Action fails to make this showing and, consequently, cannot support a Restriction. For at least these reasons, the present Restriction should be withdrawn and examination of the claims completed.

Applicant does not disclaim the subject matter of any withdrawn claim and reserves the right to file any number of continuation or divisional applications to the withdrawn claims or to any other subject matter described in the present application.

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Conclusion:

An examination of claims 24, 26-35, 38-41 on their merits is now respectfully requested. If any fees are owed in connection with this paper which have not been elsewhere authorized, authorization is hereby given to charge those fees to Deposit Account 18-0013 in the name of Rader, Fishman & Grauer PLLC. If the Examiner has any comments or suggestions which could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the number listed below.

Respectfully submitted,

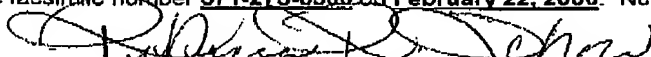
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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted to the Patent and Trademark Office facsimile number 571-273-8300 on February 22, 2006. Number of Pages: 14


Rebecca R. Schow